

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

BRANDON ROBERTS

**v.
STATE OF MISSOURI**

APPELLANT,

RESPONDENT.

DOCKET NUMBER WD79082
DATE: October 25, 2016

Appeal From:

Buchanan County Circuit Court
The Honorable Daniel F. Kellogg, Judge

Appellate Judges:

Division Four: Mark D. Pfeiffer, Chief Judge, Presiding, Victor C. Howard, Judge and Gary D. Witt, Judge

Attorneys:

Susan L. Hogan, Kansas City, MO, for appellant.

Daniel N. McPherson, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

BRANDON ROBERTS,

APPELLANT,

v.

STATE OF MISSOURI,

RESPONDENT.

No. WD79082

Buchanan County

Before Division Four: Mark D. Pfeiffer, Chief Judge, Presiding, Victor C. Howard, Judge and Gary D. Witt, Judge

Brandon Roberts ("Roberts") was convicted after trial of one count of felony stealing by deceit, section 570.030, for illegally receiving government benefits and sentenced as a prior and persistent offender to eight years in prison. Roberts now appeals the denial, after an evidentiary hearing, of his Rule 29.15 amended motion for post-conviction relief by the Circuit Court of Buchanan County. As relevant to his appeal, Roberts argued in his post-conviction motion that his trial counsel was ineffective for failing to investigate certain exculpatory evidence.

WE AFFIRM

Division Four holds:

Roberts failed to prove by a preponderance of the evidence that trial counsel's performance was ineffective for his alleged failure to conduct an adequate investigation or that the evidence had it been discovered would in fact have been exculpatory.

Opinion by Gary D. Witt, Judge

October 25, 2016

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